

73049-416

10/16/2008

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Nasser Assaf, Ph.D.
Regulatory Manager, ESD
Valent BioSciences Corporation
870 Technology Way
Libertyville, IL 60048

OCT 16 2008

SUBJECT: Application for Pesticide Notification – Updated Warranty Statement and
Additional Bullets - Packaging Related and Non-Pesticidal Characteristics
TetraPerm® AS TRA
EPA Reg. No. 73049-416
Application Dated October 8, 2007

Dear Dr. Assaf:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the actions requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Terri Stowe of my staff at 703-305-6117.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Arrington".

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs



United States
Environmental Protection Agency
Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 73049-416	2. EPA Product Manager George LaRocca	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) TetraPerm AS TRA	PM# 13	
5. Name and Address of Applicant (Include ZIP Code) Valent BioSciences Corporation 870 Technology Way Libertyville, IL 60048 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____	

NOTIFICATION
OCT 16 2008

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.
NOTIFICATION OF ADDITIONAL BULLETS - PACKAGING RELATED STATEMENTS & NON-PESTICIDAL CHARACTERISTICS PER PRN 98-10;
UPDATED WARRENTY STATEMENT PER EPA GUIDANCE and PR NOTICE 98-10

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	If "Yes" Unit Packaging wgt. No. per container		<input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
* Certification must be submitted		If "Yes" Package wgt No. per container			
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input type="checkbox"/>	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled				<input type="checkbox"/> Other _____	

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Nasser Assaf, Ph.D.	Title Regulatory Manager, ESD	Telephone No. (Include Area Code) (847) 968-4844
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment, or both under applicable law.		6. Date Application Received (Stamped)
2. Signature <i>NAASSAF</i>	3. Title Regulatory Manager, ESD	
4. Typed Name Nasser Assaf, Ph.D.	5. Date October 8, 2007	

TETRAPERM® AS TRA

- For household use only
- [The most convenient Black Flag Fogger Ever!
- New (for 6 months only)
- Triple action: Kills bugs (or Kills insects on contact), temporarily reduces airborne bacteria (or Controls Airborne Bacteria) (or Odor Causing Bacteria in the air) and leaves a clean scent (or eliminates odors leaving a fresh scent)
- Kills bugs and eliminates lingering household odors
- Temporarily Reduces Airborne bacteria (Or odor-causing bacteria in the air)
- Sanitizes the air (or Controls Airborne Bacteria)
- Eliminates pet, smoke, bathroom, mildew, and cooking odors
- 3 Way Patented Technology – Kills bugs, Temporarily reduces odor causing bacteria in the air, Leaves a fresh scent
- Leaves rooms smelling clean and fresh
- Now – Easier than ever to use
- Non-flammable
- Goes where bugs hide
- Won't stain or discolor [paint, upholstery or furniture]
- No sticky mess
- Kills insects on contact
- No oily residue
- Leaves no odor
- Treats up to 6000[5000][4000][3000][2000] cu ft
- Kills exposed or accessible stages of these insects: ants, booklice, carpet beetles, centipedes, cockroaches[roaches], confused flour beetles, crickets, earwigs, firebrats, fleas (adults and larvae), flies, fruit flies, gnats, grasshoppers, hornets, house flies, midges, millipedes, mole crickets, mosquitoes, palmetto bugs, pillbugs, rice weevils, saw-toothed grain beetles, scorpions, silverfish, small flying moths, sowbugs, spiders, stable flies, ticks, wasps, waterbugs and yellow jackets
- Can be used kitchens, living areas, garages, attics, basements, and pet areas

[See last page for additional alternate front panel bullets]

ACTIVE INGREDIENTS:

Tetramethrin	0.150%
Permethrin*	0.375%
Piperonyl Butoxide**	0.750%
Triethylene Glycol	6.330%

OTHER INGREDIENTS:	<u>92.395%</u>
	100.000%

*cis/trans ratio: max. 55% (+/-) cis and min. 45% (+/-) trans

**Equivalent to min. 0.60% (butylcarbityl)(6-propylpiperonyl) ether and 0.15%-related compounds.

EPA Reg. No. 73049-416

EPA Est. No.

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

See back for additional precautionary statements.

Net Wt.: 2, 3, 4, 5, or 6 oz

[Indoor Use Only – Icon]

- TetraPerm® AS TRA is unique because [its triple action] it combines the guaranteed, patented power of TetraPerm in a dry formula that kills bugs [kills insects on contact], temporarily reduces odor causing bacteria in the air, and leaves the room smelling clean and fresh. 3 jobs in one now made quick and easy. And with TetraPerm's dry formula, there's also no need to worry about staining or discoloring your fine furniture or upholstery. When fogging to kill insects TetraPerm AS TRA simultaneously sanitizes the air and leaves a fresh [clean] scent. TetraPerm AS TRA contains an active ingredient that temporarily reduces airborne bacteria which cause odors and leaves no lasting odor after airing out a room. Because of the nature of this product (killing insects and controlling airborne bacteria) be sure to follow the label use directions explicitly. Do not use solely as an air freshener or sanitizer. For insecticide use only.

OR

- TetraPerm® AS TRA provides:
 - Guaranteed patented power of TetraPerm that kills bugs, sanitizes the air and leaves the room smelling clean and fresh.
 - A clean, dry, mess-free fog that makes it easy to use with no clean up and no need to worry about staining or discoloring fine furniture or upholstery
 - Non-flammable
 - Do not use solely as an air freshener or sanitizer. For insecticide use only.

OR

- TetraPerm® AS TRA is unique because it combines the guaranteed power of TetraPerm that kills bugs, plus an active ingredient that temporarily reduces airborne bacteria which cause odors and leaves the room smelling clean and fresh. TetraPerm's dry formula now makes it quicker and easier to fog entire garages and basements. And with TetraPerm's dry formula, there's also no need to worry about lingering product residues that can stain [damage] car finishes or other stored valuables [items]. Because of the nature of this product (killing insects and controlling airborne bacteria) be sure to follow the label use directions explicitly. Do not use solely as an air freshener or sanitizer. For insecticide use only.

PRODUCT FACTS:
 Patented Technology [Triple Action]: Kills bugs [insects], temporarily reduces odor causing bacteria in the air [sanitizes the air] and leaves the room smelling clean and fresh [leaves a fresh scent].
Easy to Use: Non-flammable
[Insects:] Kills exposed or accessible stages of [these insects]: ants, booklice, carpet beetles, centipedes, cockroaches[roaches], confused flour beetles, crickets, earwigs, firebrats, fleas (adults and larvae), flies, fruit flies, gnats, grasshoppers, hornets, house flies, midges, millipedes, mole crickets, mosquitoes, palmetto bugs, pillbugs, rice weevils, saw-toothed grain beetles, scorpions, silverfish, small flying moths, sowbugs, spiders, stable flies, ticks, wasps, waterbugs and yellow jackets
Where to Use: Kitchens, living areas, garages, attics, basements, boats, and pet areas

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

[Translate into Spanish] Printed use instructions and key back panel claims

One 2 oz aerosol can treats up to 2,000 cubic feet of unobstructed area (a room 10' x 25' with an 8 foot ceiling).

ALTERNATE CAN SIZE USE DIRECTIONS

- One 3 oz aerosol can treats up to 3,000 cubic feet of unobstructed area (a room 18.5' x 20' with an 8 foot ceiling).
- OR**
- One 4 oz aerosol can treats up to 4,000 cubic feet of unobstructed area (a room 20' x 25' with an 8 foot ceiling).
- OR**
- One 5 oz aerosol can treats up to 5,000 cubic feet of unobstructed area (a room 25' x 25' with an 8 foot ceiling).
- OR**
- One 6 oz aerosol can treats up to 6,000 cubic feet of unobstructed area (a room 25' x 30' with an 8 foot ceiling).

GETTING READY TO FOG: (Illustrations of directions)

Remove or cover exposed food, dishes, utensils, food processing equipment and surfaces. Newspaper may be used to cover these items. Open cupboards, cabinets, storage chests, and doors to area to be treated. Remove car from garage. Close outside doors and windows. Turn off fans and air conditioning. Remove pets and birds. Remove fish tanks or turn off all aeration and filtration equipment and tightly cover fish tank. **DO NOT** use more than one fogger per room. **DO NOT** use in small enclosed spaces such as closets, cabinets or under counters or tables. Do not use in a room 5 ft. x 5 ft. or smaller: instead allow fog to enter from other rooms.

STARTING TO FOG: (Include illustrations on box).

1. SHAKE WELL JUST BEFORE USING
2. Tilt can opening away from face and depress tab firmly with thumb until it clicks in locked position. Do not inhale the spray.
3. Set can in center of room [garage][basement][attic]. Set cans in additional rooms as necessary. Immediately leave the premises.
4. Keep area closed for 2 hours

AIRING OUT YOUR HOME:

1. After 2 hours, open all the doors and windows. Turn on any fans or air conditioners.
2. Allow the room to air for 30 minutes before entering.
3. Reapply when insects reappear.

STORAGE AND DISPOSAL

Storage: Store in cool dry area away from children.

Disposal: Do Not Puncture or Incinerate! **If Empty:** Place can in trash or offer for recycling if available.

If Partly Filled: Call your local solid waste agency or 1-800-CLEANUP for disposal instructions.

PRECAUTIONARY STATEMENTS

Hazards To Humans & Domestic Animals

CAUTION: Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco.

FIRST AID

- | | |
|--------------------------------|---|
| If on skin or clothing: | <ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15-20 minutes. • Call a poison control center or doctor for treatment advice. |
|--------------------------------|---|

HOT LINE NUMBER

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. In case of medical emergencies or health and safety inquiries or in case of fire, leaking or damaged containers, information may be obtained by calling 1-877-315-9819.

Physical or Chemical Hazards

Contents under pressure. Do not use or store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130°F may cause bursting.

[IMPORTANT: READ BEFORE USE

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Read the entire Directions for Use, Conditions, Disclaimer of Warranties and Limitations of Liability before using this product. If terms are not acceptable, return the unopened product container at once.

By using this product, user or buyer accepts the following conditions, disclaimer of warranties and limitations of liability.

CONDITIONS: The directions for use of this product are believed to be adequate and must should be followed carefully. However, it is impossible to eliminate all risks associated with the use of this product. Ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of Valent BioSciences Corporation. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, VALENT BIOSCIENCES CORPORATION MAKES NO OTHER WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE, THAT EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL. No agent of Valent BioSciences Corporation is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. To the extent consistent with applicable law, Valent BioSciences Corporation disclaims any liability for special, incidental or consequential damages resulting from the use or handling of this product.

LIMITATIONS OF LIABILITY: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, SHALL NOT EXCEED THE PURCHASE PRICE PAID, OR AT VALENT BIOSCIENCES CORPORATION'S ELECTION, THE REPLACEMENT OF PRODUCT.

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OR

[NOTICE: To the extent consistent with applicable law, buyer assumes all risks of use, storage or handling of this product not in accordance with directions.] OR [Guaranteed to work or your money back]

Valent BioSciences Corporation
Environmental Sciences Division
870 Technology Way
Libertyville, IL 60048

TETRAPERM® is a registered trademark of Valent BioSciences Corporation.

Contains no CFCs or other ozone depleting substances. Federal regulations prohibit CFC propellants in aerosols.

[Additional Alternate Front Panel Bullets]

- [Leaves no sticky residue
- No Mess
- Contains 6 – 2 oz Cans
- 6 Pack
- Whole House 6 Pack Treats six 15' x 15' Rooms
- Contains 3 Cans
- Dry Formula
- Eliminates Odors
- Guaranteed to work or your money back
- Each can treats a generous sized room [10'x 25' – 2 oz size, 18.5'x20' – 3 oz size, 20'x25' – 4 oz size, 25'x25' – 5 oz size, 25'x30' – 6 oz size]
- Mess-free formula [product]
- No product residues that will harm [stain] [damage] car finishes
- No cleanup required
- [2 oz size] - Convenient size to treat individual rooms
- Wins three ways; Powerful insect killer, Sanitizes the air, Won't stain or discolor treated surfaces
- See back for Spanish. Full label translation at [web site]]

[Denotes alternate text in addition to any subset of the directions for use.]